

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

LINDA FAIRSTEIN,)	
)	
Plaintiff,)	
)	Case No. 20-cv-8042 (PKC)
v.)	
)	
NETFLIX, INC., AVA DUVERNAY, and)	
ATTICA LOCKE,)	
)	
Defendants.)	

**NOTICE OF DEFENDANTS' MOTION *IN LIMINE* NO. 10: MOTION *IN*
LIMINE* TO EXCLUDE EVIDENCE OF ALLEGED SPOILIATION*

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, and all prior pleadings in this case, Defendants Netflix, Inc., Ava DuVernay and Attica Locke, by their undersigned attorneys, will move this Court, on a date and time to be determined by the Court, for an order excluding from trial any evidence, testimony, or argument that Ms. DuVernay's failure to maintain copies of the books that she relied upon while researching for *When They See Us* (the "Series") was wrongful, or that the books, if maintained, would have been favorable to Plaintiff.

PLEASE TAKE FURTHER NOTICE that, in accordance with the briefing schedule set forth in this Court's October 11, 2023 Order, any opposing papers shall be served and filed by February 16, 2024.

Dated: January 19, 2024

Respectfully submitted,

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*Attorneys for Defendants Netflix, Inc.,
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CERTIFICATE OF SERVICE

I hereby certify that on January 19, 2024, a true and correct copy of the foregoing was served by CM/ECF on all counsel or parties of record on the service list.

/s/ Bart H. Williams